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May 16, 2017

### VIA ELECTRONIC MAIL

Honorable Freda L. Wolfson, U.S.D.J.  
United States District Court  
Clarkson S. Fisher Building & US Courthouse  
402 East State Street  
Trenton, NJ 08608

Honorable Lois H. Goodman, U.S.M.J.  
United States District Court  
Clarkson S. Fisher Building & US Courthouse  
402 East State Street  
Trenton, NJ 08608

**Re: *In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation***  
**MDL No. 2738**

Dear Judge Wolfson and Judge Goodman:

Since the recent status conference held on May 2, 2017, the parties have continued to meet and confer on the outstanding issues addressed at the conference. Below is a summary of the discussions and negotiations held:

**CMO 2(a) Filing of Short Form Complaints.** The parties have reached accord and CMO 2(a) will be submitted to the Court on May 16, 2017.

**ESI Protocol.** The parties have reached an accord and the ESI Protocol will be filed the first of the week.

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**Motions.** The Defendants would like the Court to first consider the motion to dismiss filed in *Kelly Frazier, et al. v. Johnson & Johnson, et al.*, Docket No. 3:17-cv-00793. The parties have met and conferred on the issue, and Defendants understand that Plaintiffs will be nominating a different case they would like the Court to consider. The inability to agree on a case is based upon a disagreement as to the criteria the Court set for case selection. Plaintiffs understood the Court's intent was to have before her a motion to dismiss that does not contain a remand motion, as is the posture of the *Kelly* case. With this understanding, Plaintiffs ask the Court to consider the matter of *Grace Watkins v. Johnson & Johnson, et al.*, Docket No. 3:17-cv-01155-FLW-LHG, wherein Defendants have filed a motion to dismiss for lack of personal jurisdiction and there is no motion for remand involved.

**Preservation Order and Letter.** The parties have agreed upon the Preservation Order and will submit the Order to the Court during the week of May 15, 2017.

**Third Party Subpoenas.** Plaintiffs have withdrawn all five of the third party subpoenas that were issued, including that of Mr. Kelly. Plaintiffs will redraft the subpoenas, and the parties will confer on same.

**Discovery.**

**PCPC.** The parties met and conferred on May 12, 2017 to discuss PCPC's Discovery responses and additional productions. The parties will keep the Court apprised of their progress in this regard.

**J&J.** Since the last status conference, the parties have continued to meet and confer over the document production status and general discovery issues. Specifically, counsel for the parties conferred on May 4, May 10, and plan to confer again on May 17, 2017 to discuss custodial file production, privilege issues and search terms. The parties are making progress and will keep the Court apprised of their progress.

**IMERYS.** Since the last status conference, the parties have continued to meet and confer over the document production status. Specifically the parties conferred on May 10, and May 11, 2017 to discuss the document production. The parties will keep the Court apprised of their progress.

Thank you for your consideration of these matters.

Respectfully submitted,

ASHCRAFT & GEREL, LLP

Michelle A. Parfitt

cc: P. Leigh O'Dell, Esq.

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